

In Re: Michael D. & Lisa D. Williams)
Ward 55, Block 39, Parcel 41)
Residential Property) Shelby County
Tax year 2006)

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(\$75.29) times the total area of his home. He also cited the sale of a 5,006-square-foot house at 4526 Chickasaw for \$732,000 several weeks before his purchase of the subject property.³

Mr. Palmer deemed the Assessor's value to be consistent with the comparative sales information he had obtained through CHANDLERREPORTS.COM. Most of the listed comparables, the veteran appraiser emphasized, had smaller lots.

Tenn. Code Ann. section 67-5-601(a) provides (in relevant part) that "[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values...."

Since the taxpayers seek to change the present valuation of the subject property, they have the burden of proof in this administrative proceeding. State Board Rule 0600-1-.11(1).

As the Assessor's representative readily conceded, an extensively remodeled home like the subject poses a difficult appraisal problem. This problem cannot be solved by referring to the appraised values of other houses in the neighborhood; for as the Assessment Appeals Commission observed in the case of Stella L. Swope (Davidson County, Tax Years 1993 & 1994, Final Decision and Order, December 7, 1995):

The assessor's recorded values for other properties may suffer from errors just as Ms. Swope has alleged for her assessment, and therefore the recorded values cannot be assumed to prove market value.

Id. at p. 2.

Moreover, nothing in the record suggests that any of the four Chickasaw homes with which Mr. Williams compared the appraisal of his own property had been so substantially and recently upgraded.

Likewise, the proof does not establish that the effective age of 4526 Chickasaw – the only purportedly comparable sale adduced by the appellant – was similar to that of the expansion home in question.⁴

For these reasons, the administrative judge must respectfully recommend affirmation of the disputed appraisal.

Order

It is, therefore, ORDERED that the following values be adopted for tax year 2005:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$419,300	\$615,900	\$1,035,200	\$258,800

³Mr. and Ms. Williams had unsuccessfully offered to buy 4526 Chickasaw.

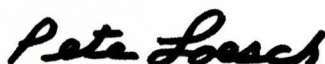
⁴Mr. Palmer estimated the effective age of the taxpayers' remodeled house (as a whole) to be no older than 1990.

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **“identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order”**; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 22nd day of January, 2007.



PETE LOESCH
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

cc: Michael D. Williams
Tameaka Stanton-Riley, Appeals Manager, Shelby County Assessor's Office

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